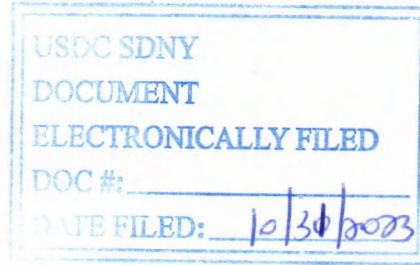




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October 27, 2023

Via ECF

The Honorable Colleen McMahon
United States District Court Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Conference adjourned.

Colleen McMahon
10/30/2023

Re: *Rowe Plastic Surgery of New Jersey, L.L.C., v. BCBS of North Carolina*,
Civil Action No. 23-6238 (CM) (KHP).
Request for Adjournment of Scheduling Conference

Dear Judge McMahon,

This firm represents defendant BCBS of North Carolina ("Defendant"), in the above referenced action. We write with Plaintiff's consent and in accordance with your Honor's Individual Practices and Procedures to respectfully request an adjournment of the Initial Pretrial Conference currently scheduled for November 2, 2023, at 10:30 a.m., along with the corresponding deadlines under Federal Rules of Civil Procedure 16 and 26 (*see* Doc. 13).

On July 24, 2023, the Court scheduled the Initial Pretrial Conference for November 2, 2023. After an improper service attempt by Plaintiff, Defendant approached Plaintiff and agreed to accept service by Waiver of the Service of Summons executed on September 13, 2023, setting November 13, 2023 as Defendant's deadline to respond to the Complaint. A true and correct copy of the executed Waiver of the Service of Summons is attached hereto as Exhibit A. Defendant will be filing a motion to dismiss in response to the Complaint, including asserting lack of personal jurisdiction.¹ Accordingly, Defendant requests that the Initial Pretrial Conference and associated deadlines be reset for a date after the Court rules on Defendant's forthcoming motion to dismiss. There have been no prior requests for an adjournment of the Initial Pretrial Conference in this matter.

For the reasons set forth herein, and in light of Defendant's November 13, 2023 deadline to respond to the Complaint, Defendant with Plaintiff's consent respectfully requests that the Court

¹ By seeking the requested continuance, Defendant reserves and does not intend to waive any defenses to the Complaint, including lack of personal jurisdiction.

adjourn the Initial Pretrial Conference and associated deadlines until after the Court rules on Defendant's forthcoming motion to dismiss.

Thank you for your consideration of the foregoing.

Sincerely,

/s/ Frederick L. Whitmer
Frederick L. Whitmer, Esq.

cc: All counsel of record (via ECF)